



February 20, 2009

HOUSE BILL No. 1639

DIGEST OF HB 1639 (Updated February 17, 2009 6:53 pm - DI 96)

Citations Affected: IC 9-21.

Synopsis: Move over or slow down for utility vehicles. Provides that the failure to use due caution when approaching a stationary utility service vehicle that is being used to perform utility services is a Class A infraction that may also result in the loss of driving privileges.

Effective: July 1, 2009.

**Clements, Duncan, VanDenburgh,
Austin**

January 16, 2009, read first time and referred to Committee on Roads and Transportation.
February 19, 2009, reported — Do Pass.

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HB 1639—LS 7466/DI 44+



February 20, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1639

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-8-35 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 35. (a) Upon the
3 immediate approach of an authorized emergency vehicle, when the
4 person who drives the authorized emergency vehicle is giving audible
5 signal by siren or displaying alternately flashing red, red and white, or
6 red and blue lights, a person who drives another vehicle shall do the
7 following unless otherwise directed by a law enforcement officer:

8 (1) Yield the right-of-way.

9 (2) Immediately drive to a position parallel to and as close as
10 possible to the right-hand edge or curb of the highway clear of any
11 intersection.

12 (3) Stop and remain in the position until the authorized
13 emergency vehicle has passed.

14 (b) Upon approaching a stationary authorized emergency vehicle,
15 when the authorized emergency vehicle is giving a signal by displaying
16 alternately flashing red, red and white, or red and blue lights, a person
17 who drives an approaching vehicle shall:

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(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(c) Upon approaching a stationary recovery vehicle, **a stationary utility service vehicle (as defined in IC 8-1-8.3-5)**, or a stationary highway maintenance vehicle, when the vehicle is giving a signal by displaying alternately flashing amber lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the recovery vehicle, **utility service vehicle**, or highway maintenance vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(d) This section does not operate to relieve the person who drives an authorized emergency vehicle, a recovery vehicle, **a utility service vehicle**, or a highway maintenance vehicle from the duty to operate the vehicle with due regard for the safety of all persons using the highway.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1639, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

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